

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

ABDULLAH BYANOONI, individually and
on behalf of a class and subclass of similarly
situated individuals,

Plaintiff,

v.

BANK OF AMERICA CORPORATION, et
al.,

Defendant.

No. C12-05483 LB

***SUA SPONTE JUDICIAL REFERRAL
FOR PURPOSES OF DETERMINING
RELATIONSHIP OF CASES***

On August 17, 2012, Plaintiff Abdullah Byanooni filed the instant putative class action against Defendants Bank of America Corporation and Bank of America, N.A. for violations of California's Invasion of Privacy Act, Cal. Penal Code § 630 et seq. Notice of Removal, ECF No. 1, ¶ 1. Defendants removed the action to federal court on October 26, 2012. *See id.* The action is assigned to the undersigned.

On August 17, 2012, Mr. Byanooni also filed a putative class action against Defendants Merrill Lynch Pierce Fenner & Smith and Bank of America Corporation for violations of the same law. *Byanooni v. Merrill Lynch*, No. C12-05270 MEJ, Notice of Removal, ECF No. 1, ¶ 1. Defendants removed this action to federal court on October 11, 2012. *See id.* This action is assigned to Judge James.

1 After reviewing the complaints in these cases, it appears that the actions concern substantially
2 the same parties (Mr. Byanooni; Bank of America Corporation) and types of events (alleged
3 violations of California's Invasion of Privacy Act due to Defendants' allegedly surreptitious
4 recording of Mr. Byanooni's telephone calls). Also, counsel for Mr. Byanooni (Orshansky and
5 Yeremian LLP) and Defendants (Reed Smith) are involved in both cases. Accordingly, pursuant to
6 N.D. Cal. Civil L.R. 3-12(c), the undersigned respectfully refers the above-captioned action to Judge
7 James for the purposes of determining relationship to *Byanooni v. Merrill Lynch*, No. C12-05270
8 MEJ.

9 **IT IS SO ORDERED.**

10 Dated: November 9, 2012



11 LAUREL BEELER
12 United States Magistrate Judge
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